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In re Application of

KYONO

Application No.: 10/520,607

PCT No.: PCT/JP04/00089

Int. Filing Date: 09 January 2004

Priority Date: 28 January 2003

Atty Docket No.: 44471/309937

For: POWER SUPPLY DEVICE

DECISION ON PETITION

UNDER 37 CFR 1.10(d)

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.10(d)" filed 04 January 2008 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 27 November 2007, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.10(d) to accord a 35 U.S.C. 371 date of 07 January 2005. Applicant was afforded two months to file any request for reconsideration.

On 04 January 2008, applicant filed the present renewed petition under 37 CFR 1.10 (d).

DISCUSSION

As detailed in the decision mailed 27 November 2007, in order to be granted, a petition under 37 CFR 1.10(d) must be:

- 1) Filed promptly after the person becomes aware that the Office has accorded or will accord, a filing date based upon an incorrect entry by the USPS;
- 2) The number of the "Express Mail" mailing label was placed on the filed papers; and
- 3) The petition includes a showing to the satisfaction of the Director that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day.

Applicant previously satisfied items 1 and 2.

Regarding item 3, with the filing of the present renewed petition and supporting material, applicant has satisfied item 3. Specifically, applicant has presently filed a copy of the Express

Mail Corporate Account Mailing Statement from the U.S. Postal Service showing that the Express Mail parcel in question, number EV334679378US was deposited for mailing on 07 January 2005. As such, it is proper to grant applicant's renewed petition at this time.

CONCLUSION

For the reasons stated above, applicant's renewed petition under 37 CFR 1.10(d) is **GRANTED**.

This application will be forwarded to the PCT Operations, National Stage processing branch for processing consistent with this decision; specifically the preparation and mailing of a new "Notification of Acceptance" (Form PCT/DO/EO/903) and corrected filing receipt indicating a date of **07 January 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).



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